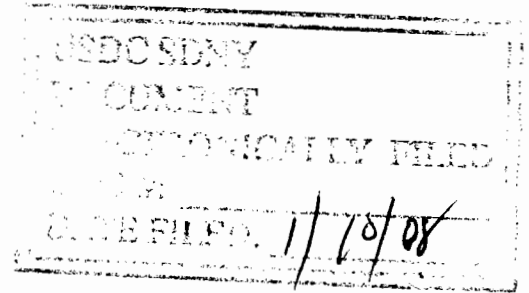


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
SERVISIO LUCAS SIMMON,

:

Plaintiff,

:

**ORDER**

-v.-

:

07 Civ. 8832 (LAK) (GWG)

MORALES, et al.,

:

Defendants.

:

-----X  
**GABRIEL W. GORENSTEIN, United States Magistrate Judge.**

The complaint in this matter was filed pro se by the incarcerated plaintiff on October 15, 2007 naming four Correction Officers and the New York City Department of Correction as defendants. The action is brought pursuant to 42 U.S.C. § 1983 and alleges that plaintiff was assaulted in two separate incidents while incarcerated on Rikers Island.

Plaintiff supplied the U.S. Marshal with forms to effectuate service on December 5, 2007, but the service forms were returned with notations that the Marshal could not effectuate process because the Correction Officers' full names or first names and badge numbers were not provided. See Marshal's Process Receipts and Return of Service Unexecuted, filed Dec. 21, 2007 (Docket ## 4-7). By letter to the Court dated December 31, 2007, the City of New York Law Department states that it will not take any action in this case until there is a proper party defendant served.

Under Valentin v. Dinkins, 121 F.3d 72 (2d Cir. 1997), this Court has the obligation to assist the plaintiff in obtaining the information necessary to effectuate service. If Simmon were represented, he would issue a subpoena pursuant to Rule 45 to obtain this information from the New York City Department of Correction. The complaint and service forms (copies of which are enclosed) supply sufficient information to permit the City of New York to identify the four Correction Officers and thus to provide information sufficient to permit service.

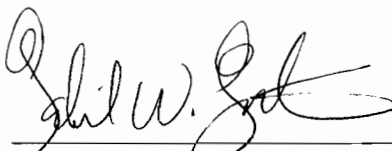
Because of its obligation under Valentin, the Court hereby **ORDERS** the Corporation Counsel, who is the attorney for and agent of the New York City Department of Correction, to provide to the plaintiff the names and addresses of the four Correction Officers so that the United States Marshal may promptly effectuate service. This information shall be provided to the plaintiff by letter on or before February 18, 2008, with a copy to the undersigned. The Corporation Counsel shall write a letter to the Court on or before January 24, 2008 indicating that it is in receipt of this Order.

On or before March 17, 2008, plaintiff must (1) file an amended complaint that names these individuals and (2) provide the information to the United States Marshal on the appropriate forms (Form 285) so that service may be effectuated. The deadline for the Marshal to effectuate service under Fed. R. Civ. P. 4(m) is extended to May 31, 2008. The Clerk is authorized to issue an amended summons as necessary.

The Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York ((212) 805-0175) may be of assistance in connection with court procedures.

SO ORDERED.

Dated: January 10, 2008  
New York, New York

  
\_\_\_\_\_  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge

Copy to:

Bradford C. Patrick  
Assistant Corporation Counsel  
The City of New York Law Department  
100 Church Street  
New York, NY 10007

Servisio Lucas Simmon  
# 07-A-1347  
Southport Correctional Facility  
P.O. Box 2000  
Institution Road  
Pine City, NY 14871-2000